

#07-312 EMR/RJR/cmb

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMY STACK,)	
)	
Plaintiff,)	Case No. 08 C 1925
)	
-vs-)	Judge Dow
)	
CITY OF BURBANK, a Municipal Corporation)	Magistrate Judge Cole
and OFFICER MARK METELSKI)	
)	
Defendants.)	

JOINT STATUS REPORT

The parties, by their respective attorneys, respectfully submit their Joint Status Report as follows:

- A. Attorneys of Record are as follows:
1. For Plaintiffs – Richard J. Rosenblum and Edward M. Rubin of Rubin Machado & Rosenblum, Ltd. Edward M. Rubin is the expected trial attorney.
 2. For Defendant – Joseph Cainkar of Louis F. Cainkar, Ltd. Michael Cainkar is the expected trial attorney.
- B. This court has jurisdiction pursuant to 28 USCA § 1331.
- C. Plaintiff claims violations of civil rights pursuant to 28 USCA § 1983 as well as assault and battery. Specifically, plaintiff claims that the Officer Mark Metelski and the City of Burbank acted in violation of her rights when she was shot by Officer Metelski during an arrest of the driver of a vehicle in which plaintiff was a passenger. Plaintiff further claims that the City of Burbank created an atmosphere which encouraged such conduct by its officers.
- D. All parties have been served and are represented by counsel.

E. The principal legal issues are the liability of Officer Metelski and the City of Burbank for the incident. Whether Officer Mark Metelski is entitled to qualified immunity or whether he and the City are entitled to immunity pursuant to Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.*

F. The principal factual issues are the exact sequence of events involved in the shooting incident and the events leading up to the incident.

G. A jury has been demanded.

H. The parties have exchanged initial Rule 26(a) disclosures. The parties anticipate that depositions of the following individuals will be necessary:

Officers Metelski, Hansen, Coakley and Brongiel;

The plaintiff, Amy Stack;

Thomas Perconti, the driver of the vehicle in which plaintiff was a passenger;

Bruce Radowicz, Chief of Police, City of Burbank;

Approximately five witnesses to the incident;

Approximately three Illinois State Police investigators regarding post-occurrence investigation;

Plaintiff's treating physicians regarding injuries sustained in occurrence;

Experts for plaintiff and defendants regarding police procedures.

The Parties propose the following discovery schedule:

-Written discovery (including non-parties) to be issued and completed by August 15, 2008.

-Oral discovery of plaintiff's treating physicians to be completed by September 30, 2008.

-Oral discovery of fact witnesses to be determined at a later date due to the pending underlying criminal trial of Thomas Perconti.

-Expert disclosures and depositions to be determined at a later date contingent upon the progress of fact witness oral discovery.

-Status hearing to be set for August 28, 2008.

I. The criminal trial of the driver of the vehicle, Thomas Perconti, is scheduled for late summer 2008. The conclusion of that trial will substantially assist the attorneys in this matter in predicting the timing of the trial of this matter.

J. The parties have not yet determined whether they will consent to trial by Magistrate Cole.

K. There have been no settlement discussions to date

Respectfully submitted,

s/ Richard J. Rosenblum
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s/ Joseph Cainkar
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